

Community Navigator Training

Module 2:

Immigration 101

The Community Navigator Training Train-the-Trainer Outline and Scripts were prepared by CIRI's Regional Training Team, a subcommittee within CIRI's Regional Coordination Working Group. The CIRI Regional Training Team includes staff with the AFL-CIO, National Partnership for New Americans (NPNA), New York Immigration Coalition (NYIC), People Improving Communities through Organizing (PICO), United Farmworkers Foundation (UFWF), and United We Dream (UWD). CIRI's Regional Collaboration Working Group consists of the following organizations: AFL-CIO, CASA Maryland, CHRLA, CIRC, CLINIC, FIRM, Farmworker Justice, ICIRR, MIRA Coalition, National Domestic Workers Alliance, NPNA, NYIC, PICO, UNITE Here!, UFWF, UWD, Welcoming America and World Relief. Review and edits were conducted by CIRI's Technical Assistance and Training (TAT) Working Group.

We would like to acknowledge that the outline and script builds off of the initial Community Navigator PowerPoint and detailed notes prepared by Tara Raghuvver of the National Partnership for New Americans (NPNA). Susan Schreiber and Jack Holmgren of Catholic Legal Immigration Network, Inc. (CLINIC) supplied the Immigration 101 module, based on CLINIC's 2-day immigration law training. Mayron Payes and Larry Kleinman of FIRM/NPNA provided guidance on the Defending Administrative Relief module. Patrick Taurel of the American Immigration Council (AIC) contributed to the module on Unlawful Practice of Law. Frances Valdez (United We DREAM), Courtney Tudi (World Relief), Eddie Carmona (PICO), George Escobar (CASA de Maryland), Ruth Lopez (NPNA), Camille Mackler (NYIC), Adrienne DerVartanian (Farmworker Justice), and Kelly Rodriguez (AFL-CIO) all provided additional resources and guidance. This training is based on the NPNA-United Food and Commercial Workers naturalization partnership.

Please visit adminrelief.org to access the training curriculum and additional administrative relief resources. If you are interested in standing up a Community Navigator training in your area, the aforementioned CIRI Regional Training Team is prepared to assist.

If you would like more information on the Community Navigator training and would like to be connected with CIRI's Regional Training Team, please contact Sarah Mesick of NPNA at sarah@partnershipfornewamericans.org.

Community Navigator Training
Train-the-Trainer Outline and Script
Module 2: Immigration 101
Estimated time: 2 ½ hours

Educational Objectives:

- Share key immigration law concepts
- Discuss primary avenues for seeking legal status affirmatively
- Explain what we mean when we talk about “the broken system”

Methodology:

- This training utilizes a modified form of “popular education”;
- Wherever practical, this means starting with participants’ information and ideas. The facilitator adds important information not brought forth by participants and corrects misinformation
- It is important for the facilitator to monitor the group dynamic and not let a few voices dominate the discussion

Recommendation: Seek legal assistance support! It is highly recommended that this module is led by an immigration lawyer or an accredited Board of Immigration Appeals (BIA) representative.

Materials:

- Easel paper
- Markers
- Pen and paper (or post-its) for participants
- Projector and screen for PowerPoint

Community Navigator Module Power Points:

- Each module has a corresponding power point with important notes that correspond to each training topic. Please review the slides prior to your training to incorporate the detailed notes. All power points are available on adminrelief.org.

This training outline and script is intended to provide guidance through each topic. Please make this training your own by bringing in your own methodology and unique training style. This training can be shortened by reducing discussion and activities. All of the Community Navigator training material can be found and downloaded from the adminrelief.org website.

Community Navigator Train-the-Trainer Outline
Module 2: Immigration 101

Topic, Time & PPT Slide(s)	Goals	Facilitator's Role and Key Points	Suggested Activities and Discussion Prompts (Refer to the training script for further details and key answers to questions.)
Welcome and Introductions (10 minutes) Slide(s): 1-4	Get to know everyone in the room through introductions and explain objectives for Module 2.	Facilitate a rounds question to get a sense of: - What comes to mind when you hear immigration law? - Explain that as navigators, they will be considered resources to the community - We want navigators to be equipped to answer questions they can answer, find competent legal help, and have a solid grounding in immigration law	Write answers to the questions on paper, put it up on the wall. Rounds Question: "Let's go around and hear what people think when you hear "U.S. Immigration System". Please say your name, organization you represent (if applicable), and <u>one word</u> when you hear "U.S. Immigration System?"
Purpose of today's training: Immigration 101 (15 minutes) Slide(s): 5 - 9	Get a sense of what navigators know about immigration law and review what will be covered in this module.	Use case examples to gauge the group's familiarity of immigration law.	Facilitate leading questions and True and False activities. (i.e. Which agencies enforce immigration law?, Who can become a U.S. citizen?, Ask navigators where most of the information they know comes from?)

Topic, Time & PPT Slide(s)	Goals	Facilitator's Role and Key Points	Suggested Activities and Discussion Prompts (Refer to the training script for further details and key answers to questions.)
Immigration Law and Community Navigators (10 minutes) Slide(s): 9 - 10	Discuss the role that Community Navigators play and the direct connection with legal services.	<p>Explain that Community navigators are liaisons between their community, legal service providers, social service organizations, and government representatives.</p> <p>We are taking time to review basic immigration law concepts because Community Navigators are bridges in our communities to legal service providers. While CNs are NOT able to provide legal counsel, there will be times where legal questions will come up in conversations you have with community members.</p>	Facilitator engages group around what they already know about each topic and then moves through the slides pulling out knowledge from the group.
Types of Status, Path to Power and Who is an "Immigrant" / "Non-Immigrant" / "Undocumented"? (45 minutes) Slide(s): 11 - 17	Explain the types of immigration status, demonstrate the power in numbers of the immigrant community, and U.S. departments that enforce immigration law.	Explain the differences of immigrant, non-immigrant, and undocumented and who enforces immigration law.	Facilitator engages group around what they already know about each topic and then moves through the slides pulling out knowledge from the group.

Topic, Time & PPT Slide(s)	Goals	Facilitator's Role and Key Points	Suggested Activities and Discussion Prompts (Refer to the training script for further details and key answers to questions.)
Pathways to Citizenship (15 minutes) Slide(s): 19 - 22	Explain the benefits of U.S. Citizen Explain how people can become U.S. Citizens	Discuss how citizenship can bring a lot of benefits, but the barriers to citizenship are high and the pathways are not always easy to navigate.	Facilitator engages group around what they already know about each topic and then moves through the slides pulling out knowledge from the group. (i.e. "Who here has become a U.S. Citizen, knows someone who has naturalized, and/or assisted someone in this process." Listen to 2-3 experiences from trainees. "What do you think are the benefits for someone to become a U.S. Citizen?" "In your opinion, which benefit is the most important?")
Paths to LPR Status (15 minutes) Slide(s): 23-26	Explain who does and how doesn't have a path to LPR Status. Explain the rights that LPRs do and do not have.	Discuss how people can become LPRs, wait times and the rights of LPRs. Explain that every year, more than a million gain LPR status. Three largest pathways are through family, employment, and humanitarian protections.	Facilitator engages group around what they already know about each topic and then moves through the slides pulling out knowledge from the group.
Family based immigration (15 minutes) Slide(s): 27 - 29	Discuss family-based immigration and how non-citizens become LPRs through the family based system.	Explain who can petition for whom, wait times.	Facilitator engages group around what they already know about each topic and then moves through the slides pulling out knowledge from the group.

Topic, Time & PPT Slide(s)	Goals	Facilitator's Role and Key Points	Suggested Activities and Discussion Prompts (Refer to the training script for further details and key answers to questions.)
Immigration & Criminal Records (15 minutes) Slide(s): 30 - 33	Discuss the many ways in which a criminal record might impact someone's ability to gain status. Move through case examples with trainees.	Explain that a criminal record can impact a person's ability to keep or obtain legal status. Facilitate conversation through case examples.	Use case examples to pull out knowledge from the group. Perhaps break trainees up into small groups to work on case examples.
The Broken System and Your Experience with the System (15 minutes) Slide(s): 34 - 35	Review what was covered and pull out feelings about the broken immigration system. Hear stories from trainees of how they are impacted by the broken system.	Explain how the system is broken because U.S. citizens and LPRs must often wait several years to reunite legally with close family members, other obstacles to establishing "admissibility" often make it difficult or impossible to adjust status.	Listen to responses from navigators. Draw out what navigators learned from the information. (i.e. What are your experiences with the immigration system?)
Evaluation and Closing (5 minutes)	Listen to how trainees are feeling at this point of the training. Facilitate evaluation form if appropriate at the time.	Wraps up Module 2 to lead into Module 3: Administrative Relief Facilitator passes out evaluation form for all participants to complete (If this is not the last module of the training, wait until the very end of the training.)	Brief evaluation of Module 2 with everyone saying "one word" how they feel and/or one thing they learned from the training module.

Community Navigator Train-the-Trainer Script

Module 2: Immigration 101

I. Welcome and Introductions (10 minutes)

Slide(s): 1 - 4

Goals:

- Explain objectives for Module 2:
- Share key immigration law concepts
- Discuss primary avenues for seeking legal status affirmatively
- Explain what we mean when we talk about “the broken system”

Facilitator:

- Explain that as navigators, they will be considered resources to the community
- People will come to them with questions
- We want navigators to be equipped to answer questions they can answer, find competent legal help, and have a solid grounding in immigration law

Get to know everyone in the room through introductions and a rounds question.

Rounds Question: “Let’s go around and hear what people think when you hear “U.S. Immigration System”. Please say your name, organization you represent (if applicable), and one word when you hear “U.S. Immigration System?”

Common responses:

- Broken
- Fear
- Complicated
- Unjust
- Inhumane

II. Purpose of today’s training: Immigration 101 (15 minutes)

Slide(s): 5 - 8

Goals:

- Get a sense of what navigators know about immigration law
- Use case examples to gauge the group’s familiarity of immigration law
- Review what will be covered in this module

Facilitator:

- Ask navigators leading questions such as:
 - Which agencies enforce immigration law?
 - Who can become a U.S. citizen?

- Ask navigators where most of the information they know comes from?
- True or False Activities

NOTE: Be sure to frame this in a way that recognizes that the navigators may not know the answers. We don't want them to feel bad for not knowing the answers, but we want to celebrate what they do know. This, as with the rest of the training, is meant to be an empowering exercise

Slide 6:

Question 1: Anyone born in U.S. is a U.S. citizen even if their parents are undocumented.

Answer: True. Anyone born in the U.S. is a citizen

Question 2: Someone born outside U.S. may be a U.S. citizen.

Answer: True. Someone born outside of the U.S. to U.S. citizen parent(s) may be a U.S. citizen, but this is not a guarantee. Having a U.S. citizen parent doesn't always mean the person is a citizen. Many factors determine the outcome, including DOB (because the law has changed many times), whether the child was born in or out of wedlock, and prior residence in the U.S. of the parent(s).

Suggestion: Just asking were either of your parents U.S. citizens at the time of your birth? Leads something to investigate

Question 3: If you have a child in the U.S., you cannot be deported.

Answer: False. Having a U.S. citizen child cannot (always) protect someone from deportation

Slide 7:

Question 1: A lawful permanent resident may be deported from the U.S.

Answer: True

Follow up: Ask the navigators to shout out ideas about the kinds of circumstances that might lead to deportation of an LPR

Key answers:

- Conviction of certain crimes
- Living outside the U.S. for long period of time

Question 2: A person may be deported from the U.S. without having a hearing before an immigration judge.

Answer: True

For trainers' reference:

- Congress established streamlined deportation procedures that allow the government to deport certain noncitizens from the US without a hearing before an immigration judge. Two of these procedures, "expedited removal" (INA sec 235(b)) and "reinstatement of removal" allow immigration officers to serve as both prosecutor and judge. These rapid deportation decisions often fail to take into account many critical factors, including whether the individual is eligible to apply for lawful status in the US, whether he or she has long-standing ties here, or whether he or she has US citizen family members.
- Expedited removal: formally deporting noncitizens who don't have proper entry documents and who are seeking to enter at POE, or who are found within 100 miles of the border. Applies only if immigration officer determines that an individual committed fraud or misrepresented material fact for the purposes of seeking entry into the US; falsely claimed USC; or is not in possession of a valid visa or other required doc.
- Reinstatement of removal applies to noncitizens who return illegally to the US after having been previously deported (even if deported in absentia).

Question 3: Using false documents to work may expose you to criminal prosecution.

Answer: True

Unauthorized presence within the US (being an "illegal alien" is not a crime in and of itself, but working with false documents can lead to criminal prosecution - identity theft if working under SSN, green card that belongs to someone else.)

- What we will cover today [Slide 8]
 - Types of status
 - Agencies
 - Citizenship
 - LPR status
 - Family based immigration
 - Crimes and immigration
 - The broken system

III. Immigration Law and Community Navigators (15 minutes)
Slide(s): 9 - 10

Goals:

- Explain why we are taking time to learn about basic immigration law
- Discuss the role that Community Navigators play and the direct connection with legal services.

Facilitator:

- "As we've talked about, Community Navigators (or *promotores*) are community members who receive specialized training to provide quality immigration services for their communities in an empowering and effective way.
- Community navigators are liaisons between their community, legal service providers, social service organizations, and government representatives.
- We are taking time to review basic immigration law concepts because Community Navigators are bridges in our communities to legal service providers. While you are NOT able to provide legal counsel, there will be times where legal questions will come up in conversations you have with community members. By having basic knowledge of the immigration law you can best guide someone to seek proper legal counsel in their community."

This is a time to refer to the Work, Systems and Trainings flow chart to show where Community Navigators fit in and how this is a step towards BIA Accreditation or Recognition. [Slide 9]

- What is Immigration Law about, anyway? [Slide 10]
- Explain difference between benefits and enforcement concepts in immigration law
- "Countries have borders, and immigration laws in any country, including the U.S., are really about who can come in, who can be removed, and who can qualify for benefits/rights
 - **Benefits concepts**
 - Who qualifies for legal status
 - Temporary
 - Permanent
 - **Enforcement concepts**
 - Who may be denied admission
 - Who may be expelled or deported after entry

(Optional) Activity: Sharing our immigration story and the power of immigrants in the U.S.

- "Who here has immigrated to the U.S. from another country?" Listen to which countries are represented in the room.
- "Who has family members that have immigrated to the U.S.?" *Listen to which countries are represented in the room.*
 - "This U.S. is a country of immigrants and MOST of us carry our own stories of immigration. *We also acknowledge the Native Americans who have been in this land since before recorded history and we acknowledge those who were brought here against their will as slave.* It is important to remember our stories as we become Community Navigators and recognize we are a part of history and the evolution of this county."

- IV. Types of Status, Path to Power and Who is an "Immigrant" / "Non-Immigrant" / "Undocumented"? (45 minutes)
Slide(s): 11 - 17

Goals:

- Discuss the different types of immigration status
- Demonstrate the power in numbers of the immigrant community
- Explain the differences of "immigrant", "non-immigrant", and "undocumented"
- Explain who enforces immigration law

Facilitator:

- "What are some terms or words we use or hear/see used for folks who are not from this country? We're looking for one-word examples and I'll start with one: immigrant." [the purpose of the facilitator starting off is to help signal that we're looking for nouns, not adjectives.]
- After the group names a few (*i.e.*, 'foreigner', 'illegal' are likely, maybe a few other derogatory ones), ask 'what are some of the legal terms?')
- If no answer, facilitator could offer 'refugee'. It's possible that the group won't have others to offer and the facilitator then supplies these: 'resident', 'asylee', nonimmigrant, tourist, student, temp. worker, diplomat', the idea being that there are lots of 'statuses'.
- "Who simply has permission to work?" 'TPS' is a likely answer, as is DACA.
- "As we understand and use the term 'undocumented', what actually makes an individual 'undocumented'-- what did s/he do or not do?" Most answers will focus on entry without inspection (or less official terms for it-- another opportunity to engage terminology), and creates the opening to talk about immigrants with expired status.
- What does status mean? [Slide 10]
 - It's a label applied according to how/why someone came to the U.S. It impacts access to employment, services, ability to vote, protection from deportation, other rights, etc.
- Status within the United States [Slide 11]
US Citizens
 - Birth

- Acquisition – birth to USC parents. Citizenship can be passed down from grandparents and parents, even if they haven't lived in the US for a long time.
- Derivation – naturalization of one's parents. Kid has green card, lives with parent at the time s/he naturalizes, and under 18 and living with the parent at the time OR when someone immigrates through a petition filed by a citizen parent. As soon as the child immigrates, s/he is a citizen
 - Acquisition and derivation are two ways that someone is a citizen automatically and may not even know it because the law makes you a citizen based on facts of the case
- Naturalization – Citizenship by application, usually by green card holder who has been resident for five years

Alien (The unfortunate legal term for non-U.S. citizens)

- Immigrants
 - Asylees and refugees
 - Non immigrants
 - Undocumented individuals
- Refer to the Path to Power Slide to demonstrate the different types of status and the power in numbers of the immigrant community. [Slide 12]
 - Who is an "Immigrant"? [Slide 13]
 - Make the distinction between colloquial and legal use of the term "immigrant"
 - This is for people who live permanently in the United States. Synonymous terms for immigrant status are: Permanent Resident, immigrant, green card holder, and resident alien. Gaining immigrant status can be a lengthy and complex process that requires close consultation with an immigration attorney.
 - An immigrant, or lawful permanent resident (LPR), is someone who:
 - Has intent to reside permanently in U.S.
 - Is authorized to work
 - Is authorized to travel abroad and return
 - Can naturalize (after a certain amount of time)
 - In the legal context, immigrants are LPRs (as opposed to anyone coming to the U.S.), this is a smaller subsection
 - Who is a "Non-Immigrant"? [Slide 14]
 - This status is for people who enter the U.S. on a temporary basis – whether for tourism,

business, temporary work, or study. Once a person has entered the U.S. in nonimmigrant status, they are restricted to the activity or reason for which they were allowed entry. Some people may have more than one visa in their passport, but they can only be admitted into the U.S. in one type of nonimmigrant status at a time.

- Most nonimmigrant visas are issued only to applicants who can demonstrate their intentions to return to their home country.
- If a visa officer at a U.S. consulate abroad believes that an application for a nonimmigrant visa is only a pretext for an intent to stay permanently once allowed into the U.S., the officer may deny the visa application. The consular officer may conclude that the nonimmigrant does not have the intent to stay temporarily because s/he cannot show significant family or employment related ties to their country of origin.
- Nonimmigrant Status give us the VISA ALPHABET SOUP and different visas service different purposes and have different requirements.
 - B - Tourists - intend to visit and only stay in the U.S. temporarily
 - F - Students - intend to attend school in the U.S.
 - H - Temporary workers - intend to work in the U.S.
 - R - Religious workers - intend to do religious work in the U.S.
 - U - Victims of crimes - have shown that they were victims of certain crimes and have been helpful to authorities in the investigation or prosecution of a crime.
- Other types of legal statuses: Asylees, refugees, TPS, DACA, DAPA [Slide 15]
 - Asylees and Refugees are individuals who have shown a well-founded fear that the government or someone that the government cannot control will persecute them on account of their race, religion, nationality, membership in a particular social group and/or political opinion. Asylees demonstrate this requirement while they are inside the U.S. and Refugees are individuals who were designated as refugees while outside the U.S.
 - Temporary Protected Status (TPS), DHS designates individuals from foreign countries for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. Individuals in TPS status are not removable, can obtain employment authorizations and may be granted travel authorization. Each country designated for TPS has its own designation date, expiration date and re-registration date. See the USCIS website for specifics.
 - VAWA allows for certain spouses, children and parents of an abusive U.S. citizen and spouses and children of an abusive lawful permanent resident to be able to file a petition for themselves. VAWA applicants are eligible for work authorization, will not be removed from the U.S. and most individuals will be eligible to become lawful permanent residents.

- The T visa is for victims of human trafficking which includes sex trafficking and forced labor, law enforcement certification is helpful but not required, can apply for LPR after 3 years.
- Special Immigrant Juvenile Status: for children who have been abandoned, neglected, or abused by one or both parents, Results in LPR, Involves process in family court and then applicant process with USCIS, under most circumstances the family court order must be obtained before child turns 18.
- DACA and DAPA do NOT qualify legal types but temporary relief from deportation. (More information on these programs in the next module.)
- DACA and DAPA [Slide 16]
 - Deferred Action for Childhood Arrivals (DACA)
 - Deferred Action for Parents of American citizens or legal permanent residents (DAPA)
 - **Deferred Action** = Authorization by USCIS to be present in the US
 - **Not** considered to be a form of lawful status
 - Individuals who qualify for DACA will not be removed, they can obtain employment authorization and they may request permission to travel. Individuals must show that they came to the U.S. DACA is for individuals who arrived in the U.S. before their 16th birthday; arrived before June 15, 2007; were physically present on June 15, 2012 (and under 31 on this date); have continued to be present in the U.S. until the date they apply for DACA; is currently in school, graduated from school or has a GED and does not have a serious criminal history.
 - USCIS on deferred action: Deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. For the purposes of future inadmissibility based upon **unlawful presence**, an individual whose case has been deferred is not considered to be unlawfully present during the period in which deferred action is in effect. An individual who has received deferred action is authorized by DHS to be present in the US, and is therefore considered by DHS to be lawfully present during the period deferred action is in effect. However, deferred action **does not confer lawful status** upon an individual, nor does it excuse any previous or subsequent periods of unlawful presence.
 - DACA expansion will allow individuals of any age who came to the U.S. before their 16th birthday, have lived in the U.S. since January 1, 2010 and who meet all of the other DACA requirements to apply for DACA.
 - DAPA (deferred action for parents of U.S. citizens and lawful permanent residents) allow individuals who have lived in the U.S. continuously since January 1, 2010; On November 20, 2014 had a son or daughter who is a U.S. citizen or law permanent resident and is not an enforcement priority will not be removed from the U.S. and will be allowed to request employment authorization. DACA expansion and DAPA are currently unavailable due to a pending lawsuit.

- Who is “Undocumented”? [Slide 17]
 - Person who entered the U.S. without papers or “without inspection”.
 - Person who entered U.S. with legal status but now status has expired or violated the terms of their entry.
 - Estimated **11 MILLION** undocumented in the U.S.

- Who Enforces Immigration Law? [Slide 18]
 - U.S. Department of Homeland Security (DHS)
 - U.S. Citizenship and Immigration Services (USCIS)
 - Application for benefits – process and adjudicate immigrant visa petitions, naturalization petitions, other applications for immigration benefits
 - U.S. Immigration and Customs Enforcement (ICE)
 - Enforcement within the interior
 - U.S. Customs and Border Protection (CBP)
 - Enforcement at the border
 - U.S. Department of Justice (DOJ)
 - Executive Office for Immigration Review (EOIR)
 - The immigration court
 - Board of Immigration Appeals (BIA)
 - The appellate court where individuals can appeal cases from the immigration court.

 - Group discussion: “Which departments are you familiar with?”

V. Pathways to Citizenship (15 minutes)
Slide(s): 19 – 22

Goals:

- Explain the benefits of U.S. Citizen
- Explain how people can become U.S. Citizens

Facilitator:

- Citizenship can bring a lot of benefits, but the barriers to citizenship are high and the pathways are not always easy to navigate. [Slide 19]
- “Who here has become a U.S. Citizen, knows someone who has naturalized, and/or assisted someone in this process.” *Listen to 2-3 experiences from trainees.*
- “What do you think are the benefits for someone to become a U.S. Citizen?”
- “In your opinion, which benefit is the most important?”

- Benefits of Citizenship [Slide 20]
 - VOTE
 - Travel more conveniently
 - Immigrate a wider range of relatives more quickly
 - Prevent deportation
 - Live outside of the U.S.
 - Hold public office
 - Hold jobs requiring citizenship
 - Access to public programs, benefits
 - Pass on citizenship to children through derivation

- How do people become U.S. Citizens? [Slide 20]
 - BY LAND: Born in the U.S.
 - BY BLOOD: Born outside the U.S. to a U.S. citizen parent
 - BY DERIVATION: Born outside the U.S. and one or both parents become U.S. citizens while you are under 18 and an LPR
 - BY NATURALIZATION: Born outside the U.S., you become an LPR for 5 years (or 3 if married to a U.S. citizen), meet other requirements, and file an application
 - Note: The laws of acquisition and derivation can be complex and depend on the applicant's birth year. Consult the statute in each case.

- Requirements for Naturalization [Slide 22]
 - Be at least 18 years old
 - Have a green card (LPR status) for:
 - 5 years
 - OR 3 years if married to and living with U.S. citizen
 - Meet requirements for amount of time spent inside U.S.
 - No evidence of abandoning green card
 - Speak, read, write basic English (some waivers)
 - Answer questions about U.S. civics
 - Show attachment to U.S., take meaningful oath
 - Have "good moral character"
 - Pay \$680 naturalization fee (unless qualify for waiver)

VI. Paths to LPR Status (10 minutes)
Slide(s): 23-26

Goals:

- Explain who does and how doesn't have a path to LPR Status
- Explain the rights that LPRs do and do not have

Facilitator:

- Explain that every year, more than a million gain LPR status [Slide 23]
- Three largest pathways are through family, employment, and humanitarian protections
 - Together they account for 95% of noncitizens who became LPRs
 - Point out that the most common path (by far) to LPR status is family based
 - Employment based: employer can sponsor a noncitizen employees for permanent residence. Must sponsor a non-citizen throughout the process. Approx. 140,000 slots per year. Most reserved for highly skilled professionals: nurses, doctors, engineers. Only 5000 slots per year for unskilled workers.
 - Special categories: Cuban; SIJS; DACA - will discuss later
 - Diversity visa lottery, or green card lottery - allows 50,000 residents of countries with lower rates of immigration to US to get LPR status; Cuban adjustment
 - Note: pie chart based on 2013 USCIS stats [Slide 24]
 - (Other includes: parolees, NACARA, HRIFA, cancellation, kids born abroad to LPRs)
 - "People with LPR status or a "green card" have some of the rights and benefits of U.S. citizens, but not all of them. They are ultimately not guaranteed protection from deportation."
 - Paths to LPR Status [Slide 25]
 - Family: certain close relatives of U.S. citizens, LPRs
 - Includes certain survivors of domestic violence - VAWA Self-Petitions
 - Employment-based
 - Asylum, refugee status
 - U and T status (crime, trafficking victims)
 - Diversity lottery ("green card lottery")
 - Miscellaneous
 - Who does not have a path to LPR status? [Slide 26]
 - This is a general rule. There are exceptions, like someone can marry someone as a tourist and then have a pathway to LPR status
 - Tourists
 - Students
 - Temporary Protected Status (TPS)
 - Deferred Action for Childhood Arrivals (DACA), expanded DACA, DAPA

- Undocumented people
- Employment visa, if not sponsored by employer
- DACA 2012

VII. Family Based Immigration (15 minutes)
Slide(s): 27 - 29

Goals:

- Discuss family-based immigration and how non-citizens become LPRs through the family based system

Facilitator:

- Majority of noncitizens who become LPRs do so through the family based system [Slide 27]
- U.S. citizens and LPRs can sponsor certain close family members
- Who can petition for whom? [Slide 28]
 - **US CITIZENS:** Spouse, Minor child, Parent, Adult unmarried child, Adult married child, Sibling
 - **LPRs:** Spouse, Minor child, Adult unmarried child
- Family based immigration wait times [Slide 29]
 - No wait for U.S. citizen spouse, child, parent
 - "Preference categories" for the rest
 - Must wait for visa number
 - Separate waiting periods for each category
 - Visa bulletin lists availability each month
 - "Priority date" = date petition filed with USCIS determines place in line
 - Could be as little as a few months to as long as decades, depending on what pathway you're on
 - Long delays due to Congressionally imposed quota restricting the number of noncitizens who can become LPRs each year
 - Only a few categories of family members are not subject to quotas
 - Immediate Relatives, process is fairly quick.
 - For everyone else, how long it takes depends on type of sponsor and type of family relationship, also what country they are from

VIII. Immigration and Criminal Records (20 minutes)

Slide(s): 30 - 33

Goals:

- Discuss the many ways in which a criminal record might impact someone's ability to gain status
- Move through case examples with trainees

Facilitator:

- A criminal record can impact a person's ability to keep or obtain legal status. [Slide 30]
- Discuss the many ways in which a criminal record might impact someone's ability to gain status

Activity: CASE EXAMPLES

Discuss examples with the group, have trainees consult for a few minutes with a partner and ask several partners to share what their answer is and why.

Obstacle: Permanent Bar [Slide 31]

Example A: GRACIELA – Permanent Bar – (This is an advanced case example. Depending on the level of the facilitator can use this case example and explain 10 year bars, or continue to case example B.)

Graciela, a U.S. citizen, is married to Gabriel, who came to the U.S. with a tourist visa in 1999, authorized to stay for 6 months. In 2009, Gabriel returned to Mexico for 2 weeks to attend his father's funeral; he could not get another tourist visa, so he returned to the U.S. without papers.

Can Graciela file a petition for Gabriel? Can Gabriel immigrate?

ANSWER: 10 year bar. Persons who have accumulated one year or more of unlawful presence after April 1, 1997, and have then left the country, cannot return to the U.S. for 10 years. Persons who illegally return to the U.S. without seeking a waiver must wait outside the U.S. for a period of 10 years before they can apply for a waiver.

Gabriel can immigrate but he wouldn't be able to adjust status. He'd have to go abroad to complete the process. Costly, time consuming, away from family and uncertainty about being able to return. After his second entry Gabriel would not be eligible for a waiver. He would have to wait outside the U.S. for 10 years.

Obstacle: False Claim to Citizenship [Slide 32]

Example B: JACK – False Claim to Citizenship

Jack, a U.S. citizen, married Jill, who came to the U.S. to study but then dropped out of school. Three years ago, Jill used her cousin's U.S. citizen birth certificate to get an Illinois drivers license.

Can Jack file a visa petition for Jill? Can Jill immigrate?

ANSWER: Jill may not be able to immigrate because of this false claim to citizenship BUT she should consult an attorney to figure out her next steps

Typically it is the conviction of this crime that matters in terms of becoming a citizen

Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A)3 or any other Federal or State law is inadmissible [deportable]

Very limited exceptions

Obstacle: Drug Offense [Slide 33]

Example C: JILL - Drug Offense

Jill, a U.S. citizen, is married to Javier, who has one conviction for possession of 35 grams of marijuana; he received probation for this offense. Jill and Javier have 2 U.S. citizen children.

Can Jill petition for Javier? Can Javier immigrate?

ANSWER: Javier is deportable and inadmissible. Discretionary waiver under 212(h), but it can be hard to get. Waiver for spouse, parent, son or daughter of a USC or LPR, and the noncitizen's removal would cause severe hardship to that relative; or the conviction is at least 15 years old; or VAWA

- IX. The Broken System and Your Experience with the System (15 minutes)
Slide(s): 34 - 35

Goals:

- Review what was covered and pull out feelings about the broken immigration system
- Hear stories from trainees of how they are impacted by the broken system

Facilitator:

- "Now that we have reviewed basic immigration law and specific case examples, why do you think the U.S. Immigration System is referred to as 'the broken system'?"
- Listen to responses from navigators. Draw out what navigators learned from the information.
- The system is broken because [Slide 34]
 - U.S. citizens and LPRs must often wait several years to reunite legally with close family members
 - Other obstacles to establishing "admissibility" often make it difficult or impossible to
 - Facilitate a discussion about the immigration, ask to see if anyone wants to share reflections on

their experiences.

- What are your experiences with the immigration system? [Slide 35]
 - i.e. has anyone in the room naturalized or tried to petition for LPR status for a family member?

X. Evaluation and Closing (5 minutes)

Facilitator:

- Facilitator wraps up overview of Community Navigators to lead into Module 3: Administrative Relief
- Facilitator passes out evaluation forms to participants and collects at the end.
(The evaluation form can also wait until the end of the training.)
- (Optional) Brief evaluation of Module 2 with everyone saying "one word" how they feel or one thing they learned from the training.